

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JERMAINE SMITH,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,

Defendants.

ORDER

11-cv-833-wmc

Plaintiff Jermaine Smith, a prisoner at the Federal Correctional Institution in Oxford, Wisconsin, has submitted a proposed complaint for declaratory relief pursuant to the Administrative Procedures Act. Plaintiff has not paid the \$350 filing fee or submitted a certified copy of his six-month trust fund account statement. I can construe his complaint to include a request for leave to proceed *in forma pauperis*. Even so, because plaintiff is a prisoner, he is required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act to pay an initial partial payment of the \$350 filing fee. I cannot calculate plaintiff's initial partial payment yet because he did not submit a trust fund account statement with his complaint.

Plaintiff filed his complaint on December 14, 2011. Now he must file a trust fund account statement that covers the six-month period beginning around June 14, 2011 and ending approximately December 14, 2011. Once plaintiff has submitted this account statement, the court will calculate his initial partial payment and tell him the amount he will have to pay before the merits of his complaint can be screened under 28 U.S.C. § 1915(e)(2). Plaintiff should show a copy of this order to prison officials to make sure that they are aware they should send a copy of plaintiff's six-month trust fund account statement to this court.

ORDER

IT IS ORDERED that plaintiff Jermaine Smith may have until January 9, 2012, in which to submit a certified copy of his trust fund account statement for the period beginning approximately June 14, 2011 and ending approximately December 14, 2011. If, by January 9, 2012, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily. In that event, the clerk of court is directed to close this case without prejudice to plaintiff's filing his case at a later date.

Entered this 16th day of December, 2011.

BY THE COURT:

/s/

PETER OPPENEER
Magistrate Judge